

**MUNICIPAL FIRE AND POLICE CIVIL SERVICE BOARD
SHREVEPORT, LOUISIANA**

RULES AND REGULATIONS

Subpart A - Practice and Procedure

Section 1. General

- (a) These rules are promulgated for the information and guidance of all concerned, in order to provide an orderly method of procedure in matters considered by the board. However, the board will have complete charge of its hearings, proceedings and investigations and will conduct any particular matter as it considers to be appropriate under the circumstances, giving due regard to the interests of all parties. The procedure followed will be informal and not necessarily bound by the legalistic rules of evidence. The board shall only accept complaints received in writing with signature and printed name, with date and mailing address of the complainant.
- (b) All documents are properly filed with the Secretary.
- (c) References herein to "the appointing authority" may be considered to refer to the chief of the departmental service involved, or, in procedural matters, to the city attorney if the latter has entered an appearance in a particular matter.

Section 2. Petitions

- (a) Requests for action by the board (herein called "petitions"), including appeals petitioners, must be in writing and filed with the Secretary within the time permitted by any applicable law. The filing may be by email, facsimile, hand delivery, U.S. Postal Service, or other commercial carrier. No particular form is required for a petition and it may simply be a letter to the board; but it should state clearly what is being complained of and what the board is requested to do. However, all petitions must be signed either by the petitioner, or an attorney representing the petitioner. All petitions must contain the address and telephone number of the signatory to the petition; however, fire and police personnel may use employment address and phone number. All petitions must also include the facsimile number. This required information will be used for all notifications and services as required by these rules or other law. It is the petitioner's responsibility to maintain current information with the Secretary. Notices and services made at the addresses, telephone numbers. Facsimile numbers, provided by the petition, or petitioner's attorney, or other petitioner shall be deemed valid notice.
- (b) Upon receipt of a petition, the Secretary shall note thereon the date of its receipt and distribute copies to the chief of the departmental service involved.
- (c) At least 10 days prior to the hearing on an employee's appeal, the appointing authority or the City Attorney on behalf of the appointing authority must file with the Secretary all laws, rules, and regulations the appointing authority contends the appealing employee violated.

Section 3. Pre-hearing Procedure

(a) Hearing Dates

- 1) In the case of appeals timely filed in writing under Louisiana Revised Statute (La. R.S.) 33:2501, or other petition, the board will place the matter on its agenda for the next board meeting scheduled within 30 days after receipt of the request to grant a hearing on the appeal and the Secretary will advise the employee, the appointing authority, and the city attorney's office of the date, time, and place the matter is on the agenda to grant a hearing. If the request is received less than seven days before the next regularly scheduled board meeting, the notice required by this subsection may be satisfied verbally, either in person or via telephone, and shall be so noted in the record by the Secretary. If the employee fails to appear at the board meeting after notification of same, the board shall schedule the hearing on the appeal according to the caseload of its docket.
- 2) At least 15 days in advance of the hearing on the appeal, the Secretary shall provide notice to the employee, the appointing authority, the city attorney's office, and the employee's attorney, if one has already made an appearance or other filing on behalf of the employee, of the date, time, and place of the hearing. This notice may be accomplished by providing a notice specific to the appeal or by copy of the agenda for the board meeting at which the matter is scheduled.
- 3) Except as provided in subsection La. R.S. 33:2501(A)(3)(a)(1), all notices required by the board rules or other law may be provided via hand delivery, U.S. mail, other common carrier, facsimile, or email. Notices shall be deemed provided on the date placed for delivery with the U.S. mail or other common carrier, or facsimile or emailed by the Secretary. If both parties agree to waive the time limits of this notice, the matter may proceed provided there is sufficient time on the board's docket.

(b) Requests for Continuance of Hearings

It is difficult for all nine board members to coordinate their own schedules to accommodate changes in meeting dates so requests to reschedule a hearing should only be made when absolutely necessary. Unless good cause is shown for the delay in asking for a continuance, all requests should be made to the Secretary in writing at least 24 hours prior to the scheduled hearing, must state whether the opposing party is opposed to the continuance, state how long of a continuance is being requested, and should include the reason for the continuance. The board will act on such requests as it determines to be in the public interest under the circumstances, however, the following general guidelines will be applicable to requests for continuance.

- 1) Joint requests or unopposed requests will normally be granted. However, the setting of new hearing date will be determined by the board's docket. The party's agreed upon date shall be considered but shall not be dispositive. The parties should generally check with the Secretary regarding the length of the upcoming dockets in order to ensure that all

parties may be satisfied with the new hearing date chosen by the board.

- 2) In cases in which an employee is appealing a termination or other discipline and the employee requests a continuance of the hearing until the conclusion of pending or potential criminal charges, the matter shall be continued without date. The hearing will not be reset until the employee or the appointing authority requests in writing to the Secretary that the hearing be scheduled. The appeal will be placed on the agenda for the first board meeting that is more than twenty days after receipt of the request.
- 3) If a witness lives beyond the subpoena power of the Board, the witness is key to the presentation of the requesting party's case, and the requesting party has made a good faith effort to obtain the witness's voluntary appearance, then the continuance will generally be granted to allow the party to take a deposition of that party pursuant to La. R.S. 33:2501(A)(3)(j)(4).

(c) Continuance of Hearings at Board's Request

If, at the appointed time for a hearing, the board does not have a quorum present, or finds other good cause for not proceeding, or if a matter is not completed in one day, the hearing will be recessed, to a date certain if one can be mutually agreed on at the time; otherwise, the Secretary will notify all parties of the new hearing date as soon as the board sets a hearing date.

(d) Intervention

Any other employee who will be materially affected by a decision of the board either for or against a petitioner may request permission to intervene and participate in the proceeding or to appear and state his/her position. Such requests should be filed in writing to the Board Secretary at least three business days before the date the board meets to consider the matter, but the board reserves the right to hear anyone who wants to be heard at the time. The allowance of a particular intervention will rest in the board's discretion exercised in good faith. Any employee who does not make his/her position known to the board when it considers a matter may be considered to have waived his/her right to complain later about the board's decision and the consequences thereof as they may affect him/her.

(e) Sequestration of Witnesses

Upon request, the board may in its discretion sequester the witnesses in a particular matter to prevent their hearing the testimony of other witnesses. The parties should recognize, however, that the board is not adequately staffed to effectively supervise sequestration of witnesses. It is incumbent upon the parties and their counsel to notify the board if potential witnesses enter the hearing prior to testifying. The board will entertain motions to disqualify witnesses for alleged conversations while under the rule, provided that the board may on its own motion take such action as it considers appropriate with respect to such violations of the rule as are called to its attention.

(f) Subpoenas

- 1) In any cases coming before the board, any party wishing to have ten (10) witnesses issued. The board chairman or vice-chairman reserves the right to waive this rule in extreme cases for cause if considers sufficient.
- 2) All requests for subpoenas must be made in writing and received by the Secretary at least 10 calendar days prior to the hearing and simultaneously a copy of said subpoena requests shall be served on the opposing party via mail, facsimile transmission, hand delivery, or email.
- 3) All subpoenas shall be issued and signed by the Secretary on behalf of the Board, the Board's Attorney, or by any board member.
- 4) Timely requested subpoenas for employees of the Shreveport Police Department or the Shreveport Fire Department may be served by the Caddo Parish Sheriff's Office as provided for in La. R.S. 13:3661.1. Subpoenas duces tecums for production of documents of the Shreveport Police Department or the Shreveport Fire Department may be served by the Caddo Parish Sheriff's Office by serving same on the person provided for in La. R.S. 13:3661 or upon the Chief of the department from whom records are sought.
- 5) Timely requested subpoenas of witnesses domiciled in the state of Louisiana shall be tendered to the Sheriff's office within the appropriate jurisdiction.
- 6) Subpoenas issued only for the production of documents for a hearing on an employee's appeal or the adoption of a board rule may be satisfied by the deponent by delivering said documents to the Secretary at least 24 hours prior to the hearing accompanied with an affidavit certifying that the documents produced are the complete and entire record of the person/entity subpoenaed. However, subpoenas issued for the production of documents for a board investigation shall require the appearance of the deponent.
- 7) Subpoenas issued only for the production of documents at a date prior to the hearing on an employee's appeal may be satisfied by the deponent by delivering said documents on or before the date specified in the subpoena at the location and/or manner set forth in the subpoena. Unless good cause is shown to permit a shorter return date, all subpoenas duces tecum shall be requested by the party at least 10 days prior to the date the documents are to be produced.

(g) Character Witnesses

It is the policy of the Civil Service Board to restrict to two (2) the number of character witnesses who may testify at any Civil Service Board hearing.

(h) Production of Documents in Disciplinary Appeals

- 1) No less than 10 days after the day the Board grants a hearing date, the City shall provide the employee and/or the employee's attorney a copy of the following

documents regarding the discipline at issue:

1. the Internal Affairs complaint(s) and/or Written Directive for Corrective Action;
2. all notices provided to the employee;
3. all statements, documents, and evidence considered by the Internal Affairs investigator (or supervisor or other individual(s) conducting the investigation if the investigation is not completed by Internal Affairs of either department);
4. the report from the Internal Affairs or other person who conducted the investigation;
5. all documents reviewed and/or created at the Pre-Disciplinary Hearing;
6. policies and procedures of the City and/or the Police or Fire Department at issue;
7. All recordings of interviews of the employee and witnesses recorded during the Internal Affairs Investigation, any Pre-Investigative Meeting, and the Pre-Disciplinary Hearing, and
8. Any other written document regarding the investigation and discipline at issue, except in another employee's file.

(j) Discovery

In appeals, petitions, and other hearings scheduled before the Board, the following formal discovery is permitted or required as delineated below.

- 1) A copy of all documents filed with the Secretary in advance of the hearing to provide to the board members shall be simultaneously provided to the opposing party. This section does not require either party to file exhibits in advance.
- 2) Either party may request in writing that the opposing party produce and/or make available for inspection and copying any and all exhibits the opposing party reasonably anticipates introducing at the hearing. All such requests shall be responded to within 20 days of receipt of the request. However, if a written request is received between 10 and 20 days prior to the hearing, then the other party shall respond at least three days prior to the hearing.
- 3) Either party may request in writing copies of documents, recordings, and other evidence relevant to the issue(s) before the Board and needed for preparation of the case before the board. The request shall be sent to the Attorney for the party, or if an employee is unrepresented to that employee. The request may be sent via email, facsimile, mail, or other commercial carrier. The party to whom the discovery is directed shall respond to all such requests within 20 days of receipt of the request. However, if a written request is received between 10 and 20 days prior to the hearing, then the party shall respond at least three days prior to the hearing.
- 4) Either party may request a subpoena duces tecum be issued to any person or entity or the production of documents and/or other evidence prior to the hearing date. All such subpoenas shall be served as provided for in section La. R.S 33:2501 A (3) (f).
- 5) If a witness lives beyond the subpoena power of the board and refuses to voluntarily

appear at a hearing despite the good faith effort of the requesting party, and the requesting party shows the board that the witness is necessary for a fair resolution of the case and a continuance to allow a deposition is warranted pursuant to section La. R.S. 33:2501(A)(3)(b)(3), the party may take the deposition of the witness, in person or via telephone, within the continuance time period granted by the board. Depositions pursuant to this section must be taken before a qualified court reporter. A videographer and the witness must be placed under oath. If the deposition is videotaped, then counsel for either party is authorized to administer the oath to the witness. Any deposition pursuant to this section shall be noticed in writing after verbal consultation with the opposing party regarding available dates or after three days have elapsed after a written request for available dates was served on the opposing party without response. The opposing party shall cooperate in scheduling the deposition so as not to unnecessarily delay the hearing. Any deposition taken without consultation or written request of the opposing party as required in this section shall not be admissible at the hearing.

Section 4. Hearing Procedure

(a) Appearances

All parties, or their attorneys, will state their names and addresses for the record.

(b) Preliminary Statements

Parties should bear in mind that individual board members usually have very little, if any, advance information about a matter coming on for hearing, and that, accordingly, a brief preliminary statement will help the board understand the nature of the problem before it and what it is being asked to do.

(c) Order of Evidence

Except as the board may otherwise direct, in disciplinary matters the appointing authority will present evidence first; in other matters the petitioning party will present evidence first.

(d) Oath of Witnesses

All persons who will offer testimony or make statements of fact during the hearing will be sworn. This may be done as a group at the outset of the hearing or individually as they are called to testify. Every statement of fact made at any time during the hearing by any person after having been thus sworn will be considered to have been made under oath, whether the statement is in response to a specific question or is volunteered in the course of a general discussion.

(e) Interrogation of Witnesses

- 1) An effort will be made to complete the interrogation of each witness by all parties and the board members before beginning the interrogation of the next witness. The board reserves the right to question more than one witness at a time as it deems necessary through discussions and questions.

- 2) The board will generally allow the parties to complete their questioning of the witnesses prior to asking any questions, but the board reserves the right to ask for clarification during the parties' examination if necessary.
- 3) Information available from a particular witness may be received in narrative form, by question and answer, or otherwise as may be directed by the board from time to time.

(f) Evidence

- 1) Documentary and other physical material will be marked for identification by the individual submitting. If the board admits the item into evidence, then the item shall be placed in the record and considered by the board in its deliberations.
- 2) If the item is not admitted into evidence, the party may proffer the evidence during the hearing by marking each item with the word proffer and the board's secretary placing the item in a sealed envelope marked proffer and the same will be placed in the file but shall not be considered by the board in its deliberations. No item of evidence will be accepted for proffer after the hearing has concluded.

(g) Closing Argument

At the conclusion of the hearing, the board may, in its discretion, hear oral argument and ask questions of the counsel or pro se party, imposing such time limits as it deems appropriate.

(h) Briefs

The board may permit or require the filing of briefs, in which event, unless otherwise ordered by the board, simultaneous briefs shall be filed with the Secretary within seven days after conclusion of the hearing. Unless otherwise indicated at the hearing, the board may decide the matter without waiting for reply briefs, although the board will consider any reply briefs which are received in time to assist in its decision.

(i) Certification and Entry of Decision

The decision of the board on an appeal from a discharge, disciplinary or corrective action, and any other action of the board that requires enforcement will be certified in writing to the appointing authority for enforcement via letter from the Chairman of the board and shall include and be considered the written findings of fact of the board. The Certification may be sent via email, facsimile, mail, or other commercial carrier.

(j) Candor of Attorneys

In all proceedings before the board, attorneys are expected to adhere to all of the Rules of Professional Conduct and any other ethical rules which hereinafter are adopted by the Louisiana State Bar Association. Attorneys appearing before the board shall not knowingly mislead the board regarding the facts of a particular matter or any applicable law.

(k) Objections

If an objection is raised to particular testimony and evidence on the grounds that it is hearsay, such objection will normally be overruled by the presiding officer and the testimony and evidence may be heard and received in order to have as much information available to the board as expeditiously as possible unless admission of the proposed testimony might deprive the appealing employee of due process. If such testimony or evidence would be subject to a valid hearsay objection in a court of law the attorney or party raising the objection may point this out to the board and in such case the board shall take this into account in the weight that it accords such testimony giving due regard as the board may determine to whether the facts at issue are otherwise supported or contradicted during the course of the hearing.

(l) Procedural Rulings

Rulings on procedural matters will normally be made by the presiding officer, and parties and attorneys appearing before the board shall not have the right to require a vote of the majority of board members present on particular procedural matters arising during the progress of a hearing, provided that a vote of the majority of board members present may be had on any matter at any time when called for by the presiding officer or requested by any board member. In the event of a tie vote on a procedural matter, the ruling of the presiding officer shall prevail in order that the hearing can proceed forthwith.

Section 5. Post-Hearing Procedure

(a) Notice of Appeal to District Court

Within thirty days of the entry of decision of the board pursuant to section La. R.S. 33:2501 (A)(4)(i), a party desiring to appeal the board's decision pursuant to Louisiana Revised Statute 33:2500(E)(2) shall serve the notice of appeal by delivering same to the Secretary via hand delivery, email, facsimile transmission, U.S. mail, or other common carrier. A notice is deemed served upon receipt by the Secretary. Upon receipt of said notice, the Secretary shall mark the date the notice was received on the notice. All such appeals shall be filed by the appealing party in the First Judicial District Court for Caddo Parish.

(b) Preparation of Record

- 1) Upon receipt of a timely served notice of appeal, the Secretary/Board Attorney shall copy and forward to the clerk of the First Judicial District Court said copy of the entire board record regarding the appeal, including but not limited to, the docket sheet, the original notice of appeal to the board, all documents provided by the parties in advance of the hearing, the notice of appeal to the district court, and all documentary evidence entered and proffered. All physical evidence shall be delivered to the clerk of court.
- 2) If either party desires the Secretary to include in the record sent to the clerk of court all notices and subpoenas, the certification and written findings of fact of the board's decision pursuant to section La. R.S. 33:2501 (A)(4)(i), the official minutes

of the board meeting at which the hearing was held, any minutes of a meeting other than the date of the hearing, that party shall notify the Secretary in writing of the dates of all such minutes and the same shall also be forwarded to the clerk of court.

(c) **Court Reporter and Transcripts**

- 1) Pursuant to Louisiana Revised Statute 33:2501(B) (3), the board has retained a certified court reporter to record all public meetings of the board. The board may periodically change official court reporters as needed. The name and business address and telephone number of the court reporter for each board meeting may be obtained from the Secretary.
- 2) The Secretary shall promptly notify in writing the court reporter to prepare a transcript of any appeals.
- 3) The Board shall have a transcript prepared and filed with the District Court for all appeals filed with the District Court.
- 4) If the City, and employee, or other citizen desires a transcript of a hearing for which no appeal is filed, they may contact the court reporter to obtain a copy of same as it is a public record. However, the party requesting a copy of the transcript of a hearing not appealed shall pay the court reporter all charges for same.

Subpart B - General Conditions of Employment

Section 1. Applicability

Except as may be otherwise provided in the description of a particular classification, these General Conditions of Employment apply to all classifications in the classified services, provided that the rules and regulations and the classification plans of this board are in all respects subject to the requirements of the Municipal Fire and Police Civil Service Law and any other applicable laws and judicial decrees binding on this board.

Section 2. Educational Requirements

Proposed amendment - to the classes of Police Officer, Jailer I, Police Communications Officer I, Police Communications Officer II, Computer-Aided Dispatching Technician, Secretary to the Police Chief, Fire Chief, Firefighter, Fire Prevention Officer, Fire Training Officer, Chief of Fire Communications, Assistant Chief of Fire Communications, Fire Communications Officer I, Fire Communications Officer II, Emergency Medical Services Officer, Emergency Vehicle Technician I, Recruiting Officer, Chief of Special Operations and Safety, Aviation Task Force Coordinator, Fire Personnel Service Coordinator, Information Technology Specialist, and Administrative Assistant to the Fire Chief reads: The applicant must possess one of the following: high school diploma, high school equivalency certificate, high school transcript, affidavit from the issuing high school, associate's or bachelor's degree , or college transcript, any one of which must indicate that graduation has occurred or degree awarded. Any Louisiana applicant who presents a home study diploma shall submit necessary documentation indicating Louisiana Board of Elementary and Secondary Education (BESE) approval of the home study curriculum. Non-Louisiana applicants shall be required to present proof of completion of high school curriculum which has been

accredited by the applicant's state, or its state-approved agency. A certification of completion shall not be sufficient to substitute for a diploma or equivalency certificate.

Section 3. Physical Requirements

- (a) New employees must meet reasonable physical standards approved by the board and pass a physical examination sufficient to satisfy the city physician, or other physician designated by the appointing authority for the purpose, that they are in good health and physically qualified to safely and efficiently perform all work they may reasonably be expected to have to perform in the course of their employment. The physical standards now in use by the city physician for employment purposes are hereby approved, subject to modification by the board as it may consider to be necessary and in the public interest from time to time.
- (b) As a condition of employment or confirmation, the appointing authority may also require new employees to pass physical fitness and agility tests, as well as psychological or stress evaluation tests as appropriate. These tests bear a reasonable relationship to work the employees may have to do in the course of his/her employment to demonstrate his/her ability to do all required work safely and satisfactorily, giving due regard not only to the employee's own safety but also to the safety of his/her fellow employees and the general public he/she will be responsible for protecting.
- (c) Without prejudice to the right of any employee to sick leave under the rules of this board and applicable laws when justified by the facts and circumstances, an employee's inability or failure, after a reasonable opportunity, to meet the physical requirements of his/her job and/or to satisfactorily perform all the duties normal to his/her position and rank on a regular and continuing basis shall be grounds for termination.

Section 4. Examples of Work

The examples of work listed in the several classification descriptions are illustrative only and are intended to show the general types of work normally performed in that classification without intending to limit duties to those listed or to indicate that all employees in the classification will necessarily be required to perform all of the duties listed or to indicate that any particular classification has the exclusive right to or responsibility for any particular work. Assignment of specific duties is the primary responsibility of the appointing authority.

Section 5. Knowledge, Skills and Ability

The requirement that an employee have a certain knowledge, skill, or ability for a particular classification is not satisfied unless the employee also consistently demonstrates that he/she is ready, willing and able to use such knowledge, skill, or ability for the efficient performance of the duties of the classification. Subject to such exceptions as the appointing authority may determine to be in the public interest in particular instances, each promotional classification is normally considered to require all of the knowledge, skills, and abilities of all the lower classifications in that promotional line.

Section 6. Special Eligibility Requirements

The requirement that an applicant meet certain special eligibility requirements for a particular classification, as, for example, a requirement that the applicant have a year's experience in the next lower class, will be determined as of the end of the last day on which applications for the test for that classification may be filed, unless the board expressly finds it to be in the public interest to make an exception in a particular case and does so by appropriate action.

Section 7. POST Certification

(a) All police officers shall be Peace Officer Standards and Training ("POST") certified and maintain their POST certification as required by Louisiana law. The Shreveport Police Department Training Officer shall notify the police officer immediately of the ninety (90) day revocation notice upon notification from POST. The training officer shall supply all relevant dates and times which affect the police officer's POST certification. An exception shall be required for members on approved medical leave to complete their annual retrainer online, including firearms and defensive tactics training. When physically or mentally possible, all online training will be completed by December 31st of the calendar year. However, all training must be completed by March 31st of the following year. All certificates of completion shall be submitted to the officer's supervisor to validate their training has been completed online.

(b) The Police Chief should sign any POST In-Service Training Waiver Request Form or similar form created in the future by the POST Council for any police officer who was not able to complete the annual training required for certification as a result of the officer being on extended sick leave that prevented training.

(c) If the Police Chief refuses or fails to sign such a waiver, the employee may file a written request to the Board requesting that the Chairman of this Board sign the waiver form which shall be scheduled for review at the next Board meeting upon receipt by the Secretary.

(d) The Chairman of the Board or Vice-Chairman, if the Chairman is unavailable or unwilling, shall sign the waiver after the matter is reviewed during the Board hearing unless the appointing authority is able to prove to the Board during that hearing that the employee was not on extended sick leave or that the extended sick leave did not prevent the required training.

Subpart C - Leaves of Absence

Section 1. Vacation Leave

(a) Employees shall be entitled to an annual vacation with pay during each calendar year (January 1 through December 31) in accordance with the following schedule:

- (1) During each calendar year following the first, 2nd, 3rd, 4th, and 5th anniversaries of his or her employment date, the employee will be entitled to a vacation of 18 calendar days;
- (2) During each calendar year following the 6th, 7th, 8th, and 9th anniversaries, a vacation of 21 calendar days;

- (3) During each calendar year following the 10th, 11th, 12th, 13th, and 14th, anniversaries, a vacation of 27 calendar days;
 - (4) During each calendar year following the 15th and each successive anniversary thereafter, a vacation of 30 calendar days; and
 - (5) In the case of a new employee's first vacation, during the period between the first anniversary of such employee's employment date and the following December 31, the employee will be entitled to a vacation of 18 calendar days, provided that the appointing authority may allow this first vacation prior to said first anniversary date as the efficient administration of the department may require.
- (b) The appointing authority is directed to institute and follow reasonable departmental procedures for the efficient establishment and administration of vacation schedules, giving due regard to seniority to the extent practicable with first consideration always to the safe and efficient operation of the respective departments for the protection at all times of the people of Shreveport.
- (c) Employees who separate from the department on or after the first anniversary of their employment date for any reason other than (i) resignation, (ii) termination for cause, or (iii) failure to be confirmed after the initial working test period, shall be paid for earned but unused vacation time in accordance with the following rules:
- (1) The employee shall be paid for any vacation he/she is still entitled to during the current year in which the separation occurs but which he/she has not yet taken.
 - (2) The employee will be paid for some of the vacation time he/she would have been entitled to during the next calendar year, based on how long he/she has worked in the current year before separation, in accordance with the following accrual formula: Multiply the number of complete calendar months worked during the year up, to the date of separation times a monthly accrual rate determined by dividing the number of days' vacation he/she would have been entitled to next year by 12.
 - (3) The amount of a payment hereunder will be calculated by multiplying the number of days of unused vacation time the employee is entitled to be paid for by his/her average daily pay. For this purpose, an employee's "average daily pay" will be 1/30th of the employee's monthly salary as in effect on the date of his/her separation.
- (d) All vacation time off shall be taken as scheduled by the appointing authority and normally may not be carried forward into the next year. If it is reasonably necessary in the public interest that the appointing authority require a particular employee or employees to continue working under circumstances that prevent their getting all their vacation time during a particular year, the appointing authority may do so. In such event, the appointing authority shall schedule such earned but unused vacation time in the following year. If the employee agrees, the appointing authority may pay for any such vacation time not taken instead of scheduling it during the following year. Any such payment in lieu of vacation to be calculated at the employee's regular rate of pay that was effective on the last day of the

year in which the vacation should normally have been taken.

- (e) Subject to the above, vacation time may be used all at one time or in increments as small as one day (9 days in the case of the fire line), but always subject to the prior approval of the appointing authority.
- (f) An employee who is terminated after 365 days or more of sick leave shall only be entitled to whatever minimum vacation time, if any, or pay in lieu of vacation, if any, the employee may be entitled to under applicable laws of the State of Louisiana without reference to other rules of this Board.

Section 2. Sick Leave

- (a) An employee who is physically or mentally incapable of satisfactorily performing his/her assigned duties because of injury or illness shall be entitled to such sick leave and pay as may be justified by the facts and circumstances and required by law (reference La. Rev. Stat. 33:1995 and 33:2214).
- (b) The appointing authority is directed to institute and implement reasonable procedures to document and verify the initial and continuing necessity for sick leaves, as well as the ability of the employee to qualify for and perform his/her normal duties before he/she is permitted to return to work after a sick leave. Verification procedures will be mandatory in the case of sick leaves of more than two weeks and discretionary in the case of shorter leaves, and may include reports or statements from the attending physician, examination and reports by a doctor designated by the appointing authority or the board, and/or reasonable physical fitness tests by an occupational medical provider.
- (c) An employee on sick leave for 365 consecutive calendar days shall be subject to termination at that time. Any extension of sick leave beyond the 365 days maximum shall be with pay, as the board may determine to be in the public interest, at the request of the appointing authority or the employee at least 30 days prior to the expiration of the 365 days.
- (d) Each department (both police and fire) shall furnish to the board once a year, by January 31, a list showing the number of days missed from work on sick leave by each employee who missed as many as 10 days on sick leave during the calendar year just ended.
- (e) Employees placed on sick leave due to pregnancy shall not be confined to their homes or required to report to their departments on a daily basis if they desire to leave their home for any reason. However, employees on sick leave due to pregnancy shall be required to notify their respective departments of the expected delivery date and expected return to work date at the time the employee is placed on sick leave.
- (f) Employees on sick leave for more than seven (7) days as a result of a duty injury/illness and placed on workers compensation shall not be confined to their homes or required to report to their departments on a daily basis if they desire to leave their home. However, employees on sick leave due to duty injury or illness and placed on workers compensation shall keep their respective departments advised of their progress and shall provide sick leave forms in accordance with the schedule of visits approved by the City's workers'

compensation administrators. Employees on workers compensation shall not be required to see and pay for examinations by private doctors to complete sick leave use forms. No employee shall work off duty employment during duty injury/ sickness; No employee shall engage in any activity (recreational, including, but not limited to, i.e. hunting, fishing, sport). No employee shall perform any other job employment duties or extra duty while on sick leave. Restrictions that apply for the police and fire department will be applicable to any other job employment.

- (g) Employees on extended sick leave due to non-duty related major surgery or major illness which prevents the employee from being able to perform their job, shall not be confined to their homes or required to report to their departments on a daily basis if they desire to leave their home. However, employees on extended sick leave due to major surgery or major illness shall be required to turn in sick leave use forms every 30 days in accordance with the policies and procedures of each department.
- (h) If an employee returns from sick leave of any duration with a release to full duty signed by a qualified medical provider, the employee may not be maintained on sick leave for more than seven (7) days for the Police Department or Fire Department to conduct any and all verification procedures. If the Appointing Authority is unable to complete its verification procedures within seven (7) days, the employee shall be transferred to Departmental Leave until said verification procedures are complete. Once transferred to Departmental Leave, said employee shall not be confined to the employee's home nor shall the employee be required to check in with anyone at either department when leaving their home. However, the employee shall notify the respective department if that employee intends to leave town overnight during the week so as not to interfere with any verification procedures.

Section 3. Military Leave

- (a) Military leave shall be granted in the manner and to the extent required by law. The appointing authority may, with the prior approval of the Board, allow more military leave, with or without pay, than the minimum required by law if and to the extent that the appointing authority determines such procedure to be in the public interest. If an employee needs additional leave time for Military Leave and the employee has compensatory leave accrued, the employee shall be permitted to use the compensatory time for the Military Leave.
- (b) For purpose of determining maximum reimbursable military leave time under La. Rev. Stat. 42:394, or similar laws, the word "day" is interpreted to mean a normal shift, and an employee regularly scheduled to work around the clock 24 hours a day (as, for example, a fire fighter) will be deemed to have used up three days of reimbursable leave time for each such 24-hour period that he/she misses and is paid for by the city while on military duty.
- (c) Subject to prior approval of the appointing authority, an employee may exchange work assignments with another employee qualified to do his/her work, in order to avoid missing time from work to meet military duty requirements.

Section 4. Occupational Organization Leave

Leave with pay may be granted to regular employees for the purpose of attending city, district, state, national, or international meetings of employees' occupational organizations. Under no circumstances shall such leave be granted to more than six (6) members of each department at a given time and such leaves shall be limited to thirty (30) days in the calendar year.

Section 5. Special Leave

- (a) Special leave may be granted for a period not to exceed 18 months upon findings that such leave is in the best interest of the departmental service and that it can be granted without unduly impairing the efficiency of the department, provided that any such special leave in excess of two weeks will be subject to the approval of the board. Such leave would normally be without pay, but they may be granted with pay or with reduced pay as the appointing authority may determine the circumstances to warrant. If the employee does not return to work at the expiration of such leave, he/she shall be subject to termination for failure to report to work.
- (b) Each department shall furnish to the board once a year, by January 31st, a list of all special leaves granted under this section during the calendar year just ended that were not otherwise reported to the board for approval.

Section 6. Compensatory Time Off Leave

- (a) The appointing authority may allow a classified employee "compensatory time off" instead of holiday pay or overtime pay, in accordance with these rules. The Police and Fire Department shall have a procedure in place for employees to request and be granted the use of their earned compensatory time. Said procedure shall provide a preset minimum number of employees that may request any particular day to use the compensatory time off and shall provide a uniform manner of reviewing, granting, and recording said requests.
- (b) The appointing authority shall designate the compensatory holidays, dates, or days that the employee shall observe, and shall communicate this information to the employee promptly after the decision has been made. For this purpose communication will be deemed accomplished by either notifying the employee personally or by posting at an appropriate place in the department.
- (c) The appointing authority should make a particular effort to schedule compensatory time off in such a manner as to avoid the necessity for paying overtime to another employee to cover for the employee receiving the compensatory time off, giving due regard to the nature of the particular job concerned and the reasonable availability of alternative means to cover that job. However, requests to use compensatory time shall not be denied solely because it will require the City to hire back an employee to cover the shift if there are slots available in the department's procedure book (e.g. Redbook for the police department).
- (d) If an employee gives at least seven days prior written notice of a special preference of a compensatory time off date, such a request is to be accommodated (without regard to seniority) insofar as practicable and consistent with the safe and efficient operation of the department. If the minimum number of employees entitled to request a day off according

to the procedure required by section (a) has not been met and a written request was submitted at least seven days in advance, then the employee shall be granted the day requested.

- (e) Other than as set forth in paragraph (d), nothing herein is intended to require the appointing authority to make any particular preferential assignment of compensatory time off or to take any other particular personnel action except as the appointing authority may determine to be in the best interest of the safe and efficient operation of the department at the time.

Section 7. Administrative Leave

- (a) The purpose of these rules is to make provision for the possibility that a classified employee may be indicted for a crime. As used herein, the term "indictment" is intended to include not only formal indictment by a grand jury but also a bill of information or other procedure instituting a criminal prosecution and filed by a law enforcement official.
- (b) When an employee is charged with a felony he/she shall, and if a misdemeanor he/she may, be immediately relieved of duty and placed on "administrative leave" for up to one week at full pay and with continuing seniority. This "automatic" one week leave has these purposes:
 - (1) It will allow the employee some time to help his/her family adjust to the situation, to investigate the charges, to employ an attorney and, hopefully, get the charges dropped or dismissed if he/she can demonstrate to the proper authorities that they should be dropped or dismissed.
 - (2) It will serve to reassure the people of the City of Shreveport that a criminal matter involving one of their public safety officers is under control and being handled expeditiously.
 - (3) It will allow the appointing authority time to have the matter investigated carefully and deliberately before he/she has to decide how best to handle it over the long term. It will also permit his/her long-term decision to be made out of the immediate context of the publicity that usually results from such indictments.
 - (4) By operating "automatically" this procedure should minimize any prejudicial effect on the criminal proceeding that special personnel action might otherwise have at the time of the indictment itself.
- (c) The following factors should be considered in arriving at an appropriate course of action:
 - (1) First consideration should be given to the best interest of the people of the City of Shreveport, because the fire and police services exist to protect the public, and the appointing authority is charged with responsibility for assuring the effectiveness and continuity of that protection.
 - (2) Due consideration must also be given, however, to the employee's right to be presumed innocent until proven guilty, because an indictment is only an accusation and not proof of guilt.

- (3) Although an employee may not be "disciplined" just because he/she has been "indicted," he/she may be subject to disciplinary action, including termination for cause and in good faith.

The employee may remain on administrative leave throughout the criminal proceeding unless the appointing authority takes action for cause in good faith.

Section 8. Departmental Leave/ Non-criminal/ Other

- (a) Departmental leave may be utilized immediately upon an officer-involved shooting.
- (b) Departmental leave may be utilized by the appointing authority or his/her designee for appropriate leaves that are non-criminal.
- (c) No member shall be transferred from departmental leave to sick leave without notice given to the effected member. No member shall be changed from paid leave to leave without pay without immediate notification.
- (d) The appointing authority or his/her designee shall review all members on departmental leave every 30 days for status update or changes.

Section 9. Absence Without Leave

An absence without leave that is not validated to the appointing authority or his/her designee may be subject to disciplinary action up to termination for cause and in good faith.

Section 10. General Leave

- (a) Appropriate records shall be kept of all leaves of absence, recording the purpose of each leave and its beginning and ending dates, sufficient to permit the review and monitoring of leave policies and practices. Such records shall be preserved for at least three years after the end of each leave recorded. Sick leaves of more than 15 days, or departmental leaves of more than 30 days shall be routinely reported to the board in writing.
- (b) In granting leaves, due consideration shall always be given to provide adequate protection to the people and property of the City of Shreveport at all times.
- (c) A reasonable effort should be made to minimize extra expenses connected with leaves of absence.
- (d) No leave (other than such leaves as vacation, compensatory time, or military leave) shall be granted to or used by an employee to engage in other employment during his/her regularly assigned working hours. Any change of hours made for the purpose of evading this provision shall be considered a violation hereof. Nothing herein is intended to prevent any employee on involuntary leave without pay from working at other employment during such time.
- (e) A right of appeal is hereby created for the benefit of any employee who is involuntarily placed on leave in accordance with these rules, provided that the appeal is filed in writing

with 15 days after the action is taken placing the employee on leave or changing his/her pay status while on leave.

- (f) Whenever board approval of particular action by the appointing authority is required under these leave of absence rules, the appointing authority shall petition the board for approval and the matter shall be placed on the agenda for the next regular board meeting.
- (g) The board reserves the right to investigate and set aside any leave granted, used, or denied contrary to the provisions and purposes of these rules, or to take any other action it deems necessary or proper under the authority vested in the board by the Municipal Fire and Police Civil Service Law.

Subpart D - Miscellaneous

Section 1. Adoption, Repeal and Amendment of Rules

- (a) A copy of each proposed rule, or repeal or amendment of an existing rule, together with a notice of the date, time, and place of hearing thereon, shall be delivered via hand delivery, email, fax, mail, or commercial carrier, by the Secretary, the Board's attorney, or any board member to each board member, to the mayor, to the state examiner, and to the chief of the departmental service affected who shall be responsible for causing the same to be posted in accordance with law for a period of at least 30 days in advance of the hearing.
- (b) Within 30 days after the board has adopted any rule, whether it is a new rule or amendment of an existing rule, or an abolition in whole or in part thereof, the Secretary shall furnish an official copy thereof to each board member, to the mayor, to the state examiner, and to the chief of the departmental service affected who shall be responsible for causing copies to be furnished to each station as required by law.

Section 2. Civil Service Tests

- (a) There are two types of civil service tests, promotional and competitive.
- (b) Except for the positions of entry level firefighter and police officer, notice of all civil service tests will be posted for at least 30 days before the date of the test and such notice will specify the deadline for filing applications to take that test. In addition, notice of competitive test will be also be published on the Board's website, as required by law.
- (c) All test notices required to be published for a particular department are to be consistently posted at all stations of the respective departments in the same reasonably public place or places in order that employees will always know where to look for such information.
- (d) Test applications not received by the deadline specified in the notice for that test must be rejected under the law.
- (e) Test applications should be filed with the applicant's service representative on the board, but may be filed with the Secretary.
- (f) Promotional tests will normally only be open to qualified and eligible employees in the

next lower class in the line of promotion for the particular group. However, if there is no qualified and eligible employee in that class or if no one in that class applies for or passes a particular test or accepts appointment after having passed the test, then the test will be opened to qualified and eligible employees in the class of the next lower classification as stated in the group, and continuing down the rank structure of promotion.

- (g) Competitive tests will be open to all qualified and eligible persons who meet the requirements of law and the board rules.
- (h) In the case applications to take the examination for entry level firefighter or police officer:
 - (1) The application and all documents required by law for admission to the test must be filed at the same time with the Secretary, unless the board makes an exception and allows a late filing as it may when it considers it to be in the public interest to do so in a particular case, provided that all required documents are in the board's possession before the test is administered.
 - (2) When the board receives the results of an entry level examination from the State Examiner's Office, the board will place the list on the agenda for its next regularly scheduled meeting for approval. At that meeting, the board will approve all scores of 75 or better and will place the names of all individuals with approved scores on the board's list of eligible to apply. In accordance with Louisiana Revised Statute 33:2491(F), the scores from examinations given in the City of Shreveport will be valid for 18 months from the date the board approves the scores.
 - (3) In accordance with Louisiana Revised Statute 33:2491(I), any person who has attained a passing score on the entry level examination for firefighter or police officer administered by the Louisiana State Examiner in another jurisdiction may file an application to have their score reported to the board. To do so, a person must fill out an application, provide copies of all required documents, and provide a certification from the other jurisdiction showing the name, score, date of exam, and the date the score was approved by the original jurisdiction. Upon receipt of a completed application, all required attachments, and certification from the other jurisdiction, the board will place the matter on its agenda for its next regularly scheduled meeting for approval. All scores reported from other jurisdictions and approved by the board, shall be placed on the board's list of eligible to apply. Scores reported from other jurisdictions shall remain valid for 18 months from the date the original jurisdiction approved the individual's score.
 - (4) When the Appointing Authority intends to hire a class of entry level firefighters or police officers, the Appointing Authority or his/her designee shall file a written request with the Secretary for a list of individuals eligible to apply. Upon receipt of the request, the Secretary shall prepare a list of all individuals on the board's list of eligible to apply for firefighter or police officer, as appropriate, including the individual's name, entry level civil service examination score, and the date the examination score expires. Upon approval of the list, the chairman or vice-chairman shall sign and certify the list of individuals eligible to apply for the next class of firefighters or police officers. The Secretary shall provide the scores approved by the board to the appointing authority or his/her designee. Any scores reported to the board from other jurisdictions after the board has certified to the

Appointing Authority the list of eligible to apply for the next class will be placed on the board's lists of eligible to apply in accordance with subsection La. R.S. 33:2491(h)(3). However, scores reported to the board after the board has certified a list in accordance with this subsection will not be certified to the Appointing Authority for the upcoming class unless the Appointing Authority notifies the board in writing that it has exhausted the list and additional individuals are needed to fill the upcoming class.

- (5) The names of individuals who have been placed on the board's lists of eligible to apply shall automatically be removed upon any of the following conditions:
- 1) The individual is hired by the Appointing Authority and is thus placed on the list of employees.
 - 2) The individual's civil service examination score expires.
 - 3) The individual requests that his/her or her name be removed from the list of eligible to apply.

Section 3. Public Relations

It is not the purpose of this rule to suggest that officers be instructed to approach any potentially dangerous situation with anything other than professional attitudes and overwhelming force where that is indicated. It is to suggest, however, that courtesy and careful treatment of the public is important, because the publicity resulting from charges or reports of mistreatment, however unsubstantiated, is never in the best interest of either of the departments over the long term.

Any Board rule or provision expressed herein above that is inconsistent with federal law, state law, or federal or state court case final ruling is invalid, and the Board rule or provision to the contrary is deemed void.

The above Board rules were approved by a majority vote of the Board members present on January 13, 2021

Shreveport Board Rules

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